

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

EDDIE BERNARD BRATTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:09CV1013
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant(s).	)	

**ORDER**

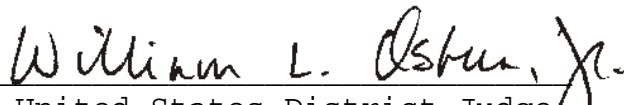
The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on January 12, 2010, was served on the parties in this action. Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

After the Magistrate Judge filed the recommendation, Plaintiff filed a motion entitled "Motion for Case Resolution Reconsideration". (Doc. 5.) Plaintiff's motion is moot in light of this order adopting the Recommendation and the fact that the same claim is presently pending in case number 1:09CV603. Plaintiff's motion will therefore be denied as not ripe for hearing or, in the alternative, as moot.

**IT IS THEREFORE ORDERED** that this action is dismissed without prejudice to Plaintiff filing a civil complaint in accordance with the instructions set out in the Order and Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

**IT IS FURTHER ORDERED** that Plaintiff's "Motion for Case Resolution Reconsideration" is DENIED.

  
United States District Judge

Date: August 16, 2010